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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,575

12/29/2003

Hyung Ki Hong

12581/4134

8928

7590

05/09/2006

Brinks Hofer Gilson & Lione
Post Office Box 10395
Chicago, IL 60610

EXAMINER

CHOWDHURY, TARIFUR RASHID

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,575

Applicant(s)

HONG, HYUNG KI

Examiner

Tarifur R. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) 15-26 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims 1-14 drawn to an invention nonelected with traverse filed on July 28, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-2, 4-5, 7-8, 10-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al., (U.S. PG-Pub. No. 2004/0100598, hereinafter "Adachi") in view of Yamamoto et al., (U.S. Patent No. 5,341,231, hereinafter "Yamamoto").

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5. As to claim 1, Adachi discloses a liquid crystal display (LCD) module (fig. 8, ref. 1000) comprising a light source (101), a light guide panel (103) having a first refractive index, and a transmissive LCD panel (200) disposed on the upper portion of the light guide panel.

However, the reference fails to specifically disclose a low refractive index layer disposed on the light guide panel having a second refractive index that is lower than the first refractive index.

Yamamoto discloses an LCD having a low refractive index layer disposed on the light guide panel having a second refractive index that is lower than the first refractive index (col. 9, lines 41-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a low refractive index layer disposed on the light guide panel having a second refractive index that is lower than the first refractive index since one would be motivated to induce total reflection (col. 9, lines 26-30, 52-53) so that the layers above the light guide panel, such as the optical sheets and polarizer, can be directly adhered to the light guide plate (col. 9, lines 54-59). This ultimately provides a display that is capable of presenting a bright display (col. 3, lines 50-52; col. 4, lines 10-58).

As to claim 7, Adachi discloses a liquid crystal display (LCD) module as recited above, however, the reference fails to specifically disclose a condenser disposed between the light source and the light guide panel.

Yamamoto discloses a condenser (fig. 6, ref. 62a, 62b) disposed between the light source and the light guide panel.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a condenser disposed between the light source and the light guide panel in Adachi since one would be motivated to limit the incident angle of the incident light from the light source lamps (col. 9, lines 21-22, 26-30, 52-53) so that the module is capable of presenting a bright display (col. 3, lines 50-52; col. 4, lines 10-58).

Regarding claims 2 and 8, Adachi discloses the LCD module as recited above, however, the reference fails to specifically disclose light in the light guide panel that is totally reflective at a border between the light guide panel and the low refractive index layer when the light in the light guide panel impinges on the border at an angle of $90^\circ - \sin^{-1} (1/\text{first refractive index}) > \sin^{-1} (\text{the second refractive index}/\text{the first refractive index})$.

Yamamoto discloses an LCD where the light in the light guide panel is totally reflective at a border between the light guide panel and the low refractive index layer when the light in the light guide panel impinges on the border at an angle of $90^\circ - \sin^{-1} (1/\text{first refractive index}) > \sin^{-1} (\text{the second refractive index}/\text{the first refractive index})$ (col. 5, line 26; col. 9, line 50; col. 10, line 63; col. 11, line 55 – col. 12, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have light in the light guide panel that is totally reflective at a border between the light guide panel and the low refractive index layer when the light in

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the light guide panel impinges on the border at an angle of $90^\circ - \sin^{-1} (1/\text{first refractive index}) > \sin^{-1} (\text{the second refractive index}/\text{the first refractive index})$ since one would be motivated to not only to induce total internal reflection (col. 9, lines 26-30, 52-53) so that the layers above the light guide panel, such as the optical sheets and polarizer can be directly adhered to the light guide plate (col. 9, lines 54-59), but to ultimately provide a display that is capable of presenting a bright display (col. 3, lines 50-52; col. 4, lines 10-58) without external complications (col. 5, lines 65-66).

Regarding claims 4-5 and 10-11, Adachi discloses the LCD module as recited above further comprising optical sheets (fig. 8, ref. 100-112) and a polarizer (209) disposed on the optical sheets, and where the transmissive LCD panel includes a lower substrate (202) disposed on the polarizer, an upper substrate (201) facing the lower substrate with liquid crystal (207) in between to selectively transmit the light by driving the liquid crystal.

Regarding claims 13-14, Adachi discloses the LCD module as recited above where the lower surface of the light guide panel has a plurality of grooves (fig. 8, ref. 105) to reflect light (1101) impinging on the grooves towards the transmissive LCD panel and further comprising a reflective plate (104) disposed below the light guide panel to reflect light towards the light guide and LCD panels.

6. Claims 3, 6, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi in view of Yamamoto and further in view of Gotoh et al., (U.S. PG-Pub No. 2002/0154256, hereinafter "Gotoh")

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7. As to claims 3 and 9, Adachi when modified by Yamamoto discloses the LCD module as recited above having a low refractive index layer disposed on the light guide panel such that the second index of the low refractive index layer is lower than that of the first index of the light guide panel, however, the reference fails to specifically disclose that the first refractive index is 1.7 or 1.5 and the second refractive index is 1.35.

Gotoh discloses an LCD lighting apparatus (title) having a low refractive index layer (fig. 13, ref. 89) with an index of 1.5 ([0151]) and the light guide plate (73) having an index of 1.5 ([0151]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the first refractive index of 1.5 or 1.7 and the second refractive index of 1.5 since one would be motivated not only to facilitate total internal reflection by decreasing the critical angle values, but also optimize display contrast by reducing the reflection factor at the boundaries ([0152-0156]).

As to claims 6 and 12, Adachi when modified by Yamamoto discloses the LCD module as recited above, however the reference fails to specifically disclose no substrate disposed between the liquid crystal and the light guide plate.

Gotoh discloses an LCD (fig. 24, ref. F) where there is no substrate disposed between the liquid crystal (309a) and the light guide plate (EM).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have no substrate disposed between the liquid crystal and the light guide plate since one would be motivated to not only use less components in the

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device but also to sufficiently introduce light into a region more suitable and with more uniformity ([0240-0242]).

Response to Arguments

8. Applicant's arguments filed May 03, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that since Adachi is directed to a transmissive display and Yamamoto is directed to a reflective display and that the function of the light guide in Adachi and Yamamoto is different one of ordinary skill in the art would not combine the references, it is respectfully pointed out to applicant that the main purpose of using Yamamoto was to find a teaching for using a low refractive index layer on the light guide panel not to find a teaching whether the light guide panel can be used in a reflective display or a transmissive display. It is true that Adachi is directed to transmissive display as to Yamamoto being related to a reflective display but having Adachi in hand one of ordinary skill in the art would definitely look into Yamamoto since Yamamoto teaches /suggests that using a low refractive index layer on the light guide panel wherein the low refractive index layer having a refractive index lower than the refractive index of the light guide panel provides several advantages such as induce total reflection, bright display.

Further, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

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within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Therefore, the rejection was proper and thus maintained.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R. Chowdhury whose telephone number is (571) 272-2287. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRC
May 03, 2006



TARIFUR R. CHOWDHURY
PRIMARY EXAMINER